



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Our Docket No.: ALLOP-002

In re Application of:

Jerchen Kuo

Application No.: 09/715,275

Filed: November 17, 2000

For: Point-to-Multipoint Passive Optical
Network That Utilizes Variable-Length
Packets

Examiner: Thai Hoang

Art Group: 2667

#16/ald
5-9-05
RECEIVED Petition
APR 28 2005 W/D ABNT
Technology Center 2600

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby petitions to Withdraw the Holding of Abandonment, improvidently issued on November 16, 2004, due to an incorrect belief that Applicant had not responded timely to a Final Office Action, to which Applicant actually had filed (a) an Amendment After Final; and (b) a Notice of Appeal.

On April 11, 2005, the undersigned Attorney of Record discovered that we had previously received a Notice of Abandonment concerning patent application 09/715,275. We immediately contacted the Primary Examiner, Mr. Thai Hoang, and his Supervisory Examiner, Mr. Chi Pham, to inform them that this holding of abandonment was issued in error. On April 14, Mr. Chi Pham informed us that we could file this petition to request the withdrawal of the Holding of Abandonment, which we earnestly solicit at this time.

The Holding of Abandonment is in error, as is evidenced by the facts set forth below:

- a) On November 17, 2000 a new and first U.S. Patent Application was filed for Point-to-Point Passive Optical Network That Utilizes Variable-Length Packets subsequently assigned application number 09/715,275.

- b) There was much activity in this case, with a couple rounds of Office Actions and Responses thereto, with several Amendments.
- c) The undersigned Attorney of Record spoke with the Examiner on several separate occasions, and a formal Interview Report was placed in the file following a Telephone Interview on May 19, 2003.
- d) On August 12, 2003, a Final Rejection was mailed out concerning the application.
- e) On February 12, 2004, an Associate of the undersigned Attorney of Record, at the undersigned's prior law firm, sent by U.S. Express Mail an Amendment After Final in response to the Final Rejection, in which we cancelled all rejected claims thereby leaving only allowed claims in the application. At the same time a Notice of Appeal was filed as to the remaining claims that had been rejected in the application.
- f) Attached are true and correct copies of the following documents:
 - a. The Amendment after Final and the Notice of Appeal, showing the Certificates of Mailing on each document;
 - b. A copy of a postcard receipt stamped as received by the USPTO as of February 12, 2004;
 - c. A copy of the law firm's Deposit Account showing that the proper amount of money was charged to the Deposit Account at the time of the submission of the Amendment After Final (\$475 for the three month extension) and the Notice of Appeal (\$165) to cover the fees noted on the documents for the Amendment and the Notice of Appeal.
- g) On November 16, 2004 a Notice of Abandonment was sent to my prior law firm.
- h) Eventually, the Notice of Abandonment was mailed to my current law firm, and must have been filed without being properly noticed, or acknowledged by the attorneys at our firm.
- i) On April 11, 2005, when giving the client a status update on its various matters, we became aware of the Notice of Abandonment and that it had been received at my new law firm without being acted upon.

- j) For several days we tried to reach the Primary Examiner, Mr. Thai Hoang, and his Supervisory Examiner, Mr. Chi Pham, to discuss this matter, but we ended up leaving messages for one another..
- k) On April 14, 2005, we spoke with Primary Examiner Hoang who suggested that we speak with his Supervisory Examiner, Mr. Chi Pham, which we did. When we explained to Supervisory Examiner Pham that we had in fact timely mailed our Response to the Final Rejection, including a Notice of Appeal, Mr. Pham suggested that we file this Petition.
- l) On April 20, 2005, we hereby filed the instant Petition to Withdraw the Holding of Abandonment, and to pass to Issuance the Allowed Claims, Nos. 73 - 119 forthwith.

I hereby authorize the Commissioner, or his designee, to charge my credit card for any required fee, although we respectfully request that there be no fee charged for correcting this error. A signed Credit Card Fee form is enclosed in case it must be used.

Applicants respectfully request a Grant of the Petition to Withdraw the Holding of Abandonment under §1.181(a), and respectfully request that a U.S. Letters Patent be passed to Issuance on Allowed Claims 73 - 119 forthwith. If any additional information is required, or if there are any questions, the undersigned may be reached by telephone at (310) 892-1613 or by e-mail: Marc@HankinPatentLaw.com.

Respectfully Submitted,

Hankin Patent Law, A Professional Corporation

Dated: April 20, 2005

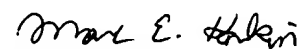


MARC E. HANKIN
Reg. No. 38,908

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as #E009116384505 Express Mail in an envelope addressed to:
Commissioner of Patents and Trademarks,
Washington, D.C. 20231 on: April 20, 2005.

11414 Thurston Circle
Los Angeles, California 90049
(310) 892-1613


Marc E. Hankin

4/20/2005
Date



RECEIVED
APR 28 2005
Technology Center 2600

THE STAMP OF THE US PATENT AND TRADEMARK OFFICE AFFIXED HERETO WILL
BE EVIDENCE OF RECEIPT OF THE FOLLOWING (MAILED FEBRUARY 12, 2004 VIA
EXPRESS MAIL LABEL NO. EV 074229612 US):

CLIENT NO:
ENCLOSURES

APR 10 13638

HLE/LGT

TRANSMITTAL FORM (1 PG.); FEE TRANSMITTAL IN DUPLICATE (2
PGS.); PETITION FOR EXTENSION OF TIME IN DUPLICATE (2 PGS.);
AMENDMENT AFTER FINAL REJECTION IN RESPONSE TO OFFICE
ACTION DATED AUGUST 12, 2003 (24 PGS.); NOTICE OF APPEAL
FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND
INTERFERENCES (2 PGS.); AND RETURN POSTCARD
JERCHEN KUO, ET AL.
09/715,275 - FILING DATE: 11/17/2000
POINT-TO-MULTIPOINT PASSIVE OPTICAL NETWORK THAT
UTILIZES VARIABLE-LENGTH PACKETS

INVENTORS:
SERIAL NO.:
FOR:

PLEASE STAMP HERE (THANK YOU):

